

78B-7-202 (Effective 07/01/13). Petition -- Ex parte determination -- Guardian ad litem -- Referral to division.

(1) Any interested person may file a petition for a protective order on behalf of a child who is being abused or is in imminent danger of being abused. The petitioner shall first make a referral to the division.

(2) Upon the filing of a petition, the clerk of the court shall:

(a) review the records of the juvenile court, the district court, and the management information system of the division to find any petitions, orders, or investigations related to the child or the parties to the case;

(b) request the records of any law enforcement agency identified by the petitioner as having investigated abuse of the child; and

(c) identify and obtain any other background information that may be of assistance to the court.

(3) Upon the filing of a petition, the court shall immediately determine, based on the evidence and information presented, whether the minor is being abused or is in imminent danger of being abused. If so, the court shall enter an ex parte child protective order.

(4) The court may appoint a private attorney guardian ad litem under Section 78A-2-228 for district court cases, or the Office of Guardian ad Litem for juvenile court cases under Section 78A-6-902, for the child who is the subject of the petition.